

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MIDOCEAN PARTNERS IV, L.P.,

Plaintiff,

-against-

AARON BAKER, WILLIAM LEW, and  
ALPHA BRAVO HOLDING COMPANY, INC.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 8/28/2020

1:20-cv-06013 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff submitted a letter [ECF #10] seeking to stay this action pending its motion to remand the action to state court. Defendants oppose the request [ECF #15] and ask that the Court transfer the case before adjudicating the remand motion. However, if the Court is without subject matter jurisdiction (*i.e.* if remand ultimately is warranted), the Court cannot take any action with regard to this case, including transfer. Accordingly, Plaintiff's motion [ECF #10] is GRANTED IN PART and DENIED IN PART.

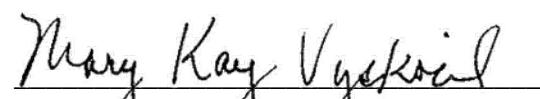
IT IS HEREBY ORDERED that Plaintiff's deadline to respond to Defendants' counterclaims is stayed pending resolution of the anticipated motions to remand and to transfer.

IT IS FURTHER ORDERED that Plaintiff's motion to remand and Defendants' motion to transfer shall be briefed simultaneously on the following schedule: Opening briefs must be filed by September 11, 2020; Opposition briefs must be filed by September 25, 2020; Reply briefs must be filed by October 2, 2020. There will be no extensions of this schedule.

The Court will set other deadlines as necessary after resolving the anticipated motions.

**SO ORDERED.**

Date: August 28, 2020  
New York, NY

  
MARY KAY VYSKOCIL  
United States District Judge